

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.: 17-20770  
Honorable Gershwin A. Drain

KEWAI TYRONE HUNTER,

Defendant.

**AMENDED ORDER GRANTING DEFENSE COUNSEL’S MOTION FOR  
APPOINTMENT UNDER THE CRIMINAL JUSTICE ACT [#17]**

**I. INTRODUCTION**

Presently before the Court is the Defendant’s retained counsel, Matthew S. Kolodziejski’s, Motion for Appointment under the Criminal Justice Act, filed on March 29, 2018. The Government does not object to counsel’s present motion. A hearing on this matter was held on May 22, 2018. For the reasons that follow, the Court will grant counsel’s present motion.

**II. LAW & ANALYSIS**

Defendant’s retained counsel seeks appointment pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A (“CJA”). Counsel admits he is not a member of the CJA panel in this District, but advised the Court during the hearing that he has an

application pending for consideration. He further indicates that he has been appointed under the CJA in a prior case in this District, *United States v. Smith*, No. 15-20053. In his present motion, counsel indicates that Defendant originally qualified for appointment of counsel under the CJA, *see* Dkt. No. 4, and the Federal Defender Office was appointed to represent the Defendant. Thereafter, the movant was retained by the Defendant, however due to the complexity of the issues involved and Defendant's continued detention, unanticipated financial burdens have occurred with respect to his continued representation. Defendant is no longer able to finance his defense.

The Government originally did not object to counsel's appointment under the CJA, however new Government counsel has filed an appearance in this matter. While not altering the previous Government counsel's position, current Government counsel indicated at the hearing that appointment under the CJA is reserved for "exceptional cases." *See* Revised Plan for Implementing the CJA of 1964, as Amended, 18 U.S.C. § 3006A (noting that "preserving the integrity of the panel selection process suggests that such appointments should be made only in exceptional circumstances."). Specifically, this District's plan states in part that:

[W]hen the district judge presiding over the case, or the chief judge if a district judge has not yet been assigned to the case, determines that the appointment of an attorney, who is not a member of the CJA panel, is in the interest of justice, judicial economy or continuity of representation, or there is some other compelling circumstance warranting his or her appointment, the attorney may be admitted to the

CJA panel pro hac vice and appointed to represent the CJA defendant.

\*

\*

\*

Further, the attorney, who may or may not maintain an office in this district, should possess such qualities as would qualify him or her for admission to the district's CJA panel in the ordinary course of panel selection. Notice of such appointment shall be sent to the District Court Executive at the time of the appointment.

*Id.* at 4-5.

Here, the Court finds that appointment of counsel pursuant to the CJA is warranted in the interest of justice, judicial economy and continuity of representation. Retained counsel has represented Defendant since January of 2018. The current schedule requires pretrial motions to be filed in a little more than a week and trial is set to commence on June 26, 2018, roughly a month from today's date. Based on counsel's representations in his motion and during the hearing that the case involves complex issues and given the short deadlines and upcoming trial, exceptional circumstances necessitate the appointment of counsel pro hac vice under the CJA.

### **III. CONCLUSION**

Accordingly, Defendant's Motion for Appointment under the Criminal Justice Act [#17] is GRANTED, effective as of the date of this Order. Counsel shall register for eVoucher forthwith.

SO ORDERED.

Dated: May 22, 2018

/s/Gershwin A. Drain  
GERSHWIN A. DRAIN  
United States District Judge

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
May 22, 2018, by electronic and/or ordinary mail.

/s/ Tanya Bankston  
Deputy Clerk